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Attorneys for Plaintiff
Shuffle Master, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CV12-07397-JAK (PLA)

SHUFFLE MASTER, INC., a Minnesota
corporation,

Plaintiff,

v.

HARWIN APPS, INC., an Illinois
corporation,

Defendant.

COMPLAINT FOR:

- 1. TRADEMARK INFRINGEMENT**
- 2. FEDERAL UNFAIR COMPETITION**
- 3. COPYRIGHT INFRINGEMENT**
- 4. CALIFORNIA STATUTORY UNFAIR COMPETITION**
- 5. CALIFORNIA COMMON LAW UNFAIR COMPETITION**

[JURY TRIAL DEMANDED]

1 Plaintiff Shuffle Master, Inc. ("SMI" or "Plaintiff") submits the following
 2 Complaint against Defendant Harwin Apps, Inc. ("Harwin"), and alleges as follows:

3 JURISDICTION AND VENUE

4 1. This Complaint arises under the laws of the United States, specifically
 5 the trademark laws of the United States, 15 U.S.C. §1114 *et seq.* and the copyright
 6 laws of the United States, 17 U.S.C. §101 *et seq.* This Court has original jurisdiction
 7 of this action under 15 U.S.C. §1121 and 28 U.S.C. §§ 1331 and 1338. This Court
 8 has supplemental jurisdiction under 28 U.S.C. § 1367 because the claims are so
 9 related as to form part of the same case or controversy.

10 2. This Court has personal jurisdiction over Harwin because Harwin
 11 solicits, transacts and does business in California and this District, a substantial part
 12 of the wrongful acts or omissions complained of occurred in this District, and Harwin
 13 is subject to personal jurisdiction in this District. Harwin purposefully directed its
 14 activities toward this District when it willfully infringed SMI's intellectual property
 15 rights, specifically targeted consumers here, and a substantial part of the harm was
 16 felt in this District.

17 3. Venue is proper in the United States District Court for the Central
 18 District of California under 28 U.S.C. §§ 1391(b) and (c).

19 THE PARTIES

20 4. Plaintiff SMI is a Minnesota corporation with its principal place of
 21 business at 1106 Palms Airport Drive, Las Vegas, Nevada 89119.

22 5. On information and belief, Defendant Harwin is an Illinois corporation
 23 doing business at 13352 Meadow Lane, Plainfield, Illinois 60585.

24 FACTUAL ALLEGATIONS

25 SMI's Proprietary Games and Intellectual Property

26 6. For decades, SMI has been a leading global supplier of innovative
 27 products and technologies for the gaming industry. Among other assets, SMI owns a
 28 substantial portfolio of proprietary casino table games, electronic table systems,

1 electronic gaming machines and website games, which feature online versions of
2 SMI's table games as well as online play-for-fun games, and associated intellectual
3 property rights.

4 7. SMI developed the popular casino games entitled Let It Ride and Three
5 Card Poker, which features a side bet entitled Pair Plus (individually and collectively,
6 the "SMI Games").

7 8. SMI has developed and continues to develop electronic versions of its
8 proprietary games, including the SMI Games, for use in connection with online
9 casinos, social gaming sites and mobile applications.

10 9. SMI licenses the SMI Games to casino operators located in California,
11 throughout the United States and internationally.

12 10. In particular, SMI's proprietary games, including the SMI Games, are
13 extensively licensed to Indian Gaming Casinos throughout Southern California and
14 this District.

15 11. SMI earns a substantial portion of its business revenue through licensing
16 the intellectual property associated with SMI's games, including the SMI Games.

17 12. SMI is registered to do business in California through the California
18 Secretary of State.

19 13. In addition, SMI is registered to do business in fifty-eight counties in
20 California, including every single county in this District.

21 14. Further, SMI's products and related services in California and this
22 District are subject to stringent regulation and approval procedures by the California
23 Gambling Control Commission ("CGCC"). Accordingly, SMI has received several
24 licenses from the CGCC, including Manufacturer & Distributor of Gambling
25 Equipment – Vendor and Gaming Vendor Provider. Additionally, SMI is a registered
26 manufacturer and distributor and is included on the CGCC's list of Gaming Resource
27 Suppliers (Vendors) Found Suitable by the CGCC.
28

SMI's Trademarks

15. SMI is the owner of several common law and federally registered trademarks which it has continuously used in California and nationwide in connection with entertainment services and games, including the game titles, Let It Ride and Three Card Poker, and the Pair Plus proprietary side bet featured in SMI's Three Card Poker game.

16. SMI is the owner of a federal trademark registration, Reg. No. 1,840,102 issued by the United States Patent and Trademark Office ("USPTO") on June 14, 1994, for "Let It Ride" for use on or in connection with "entertainment services; namely, providing facilities and resources, including instructions, for playing card games." Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 1 is a true and correct copy of the Certificate of Registration for this mark.

17. SMI is the owner of a federal trademark registration, Reg. No. 2,178,254 issued by the USPTO on August 4, 1998, for "Let It Ride" for use on or in connection with "computer software for playing games; and video game discs recorded on CD ROM." Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 2 is a true and correct copy of the Certificate of Registration for this mark.

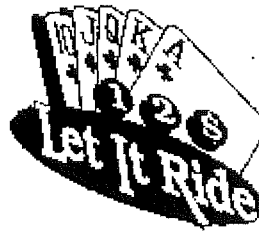
18. SMI is the owner of a federal trademark registration, Reg. No. 2,183,895 issued by the USPTO on August 25, 1998, for "Let It Ride" for use on or in connection with "entertainment services, namely, conducting games of chance on casino premises." Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 3 is a true and correct copy of the Certificate of Registration for this mark.

19. SMI is the owner of a federal trademark registration, Reg. No. 2,605,107 issued by the USPTO on August 6, 2002, for "Let It Ride" for use on or in connection

1 with "lottery tickets and game tickets for playing instant games of chance."

2 Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15
3 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as
4 Exhibit 4 is a true and correct copy of the Certificate of Registration for this mark.

5 20. SMI is the owner of a federal trademark registration, Reg. No. 2,182,290
6 issued by the USPTO on August 18, 1998, for the "Let It Ride 10 J Q K A 1 2 \$"
7 Design depicted below for use on or in connection with "entertainment services,
8 namely, conducting games of chance on casino premises." Affidavits have been filed
9 pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and
10 this registration is incontestable. Attached hereto as Exhibit 5 is a true and correct
11 copy of the Certificate of Registration for this mark.



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17 21. SMI is the owner of a federal trademark registration, Reg. No. 2,558,783
18 issued by the USPTO on April 9, 2002, for the "Let It Ride Bonus 12\$ A K Q J 10"
19 Design depicted below for use on or in connection with "entertainment services,
20 namely, conducting games of chance on casino premises." Affidavits have been filed
21 pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and
22 this registration is incontestable. Attached hereto as Exhibit 6 is a true and correct
23 copy of the Certificate of Registration for this mark.



22. SMI is the owner of a federal trademark registration, Reg. No. 3,630,813 issued by the USPTO on June 2, 2009, for the “10 J Q K A 1 2 \$ Let It Ride Bonus” Design depicted below for use on or in connection with “gambling machines, namely, stand alone, multiple player, interactive gaming machines with video output.” Attached hereto as Exhibit 7 is a true and correct copy of the Certificate of Registration for this mark.



23. SMI is the owner of a federal trademark registration, Reg. No. 2,100,875 issued by the USPTO on September 30, 1997, for the “10 J Q K A 12 \$ Let It Ride The Tournament” Design depicted below for use on or in connection with “entertainment services, namely, promoting, arranging and providing facilities for card game play-off events.” Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 8 is a true and correct copy of the Certificate of Registration for this mark.



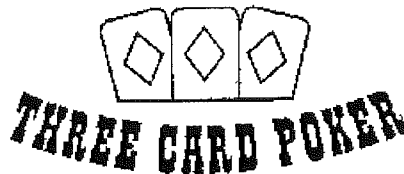
24. Reg. No. 1,840,102 for “Let It Ride,” Reg. No. 2,178,254 for “Let It Ride,” Reg. No. 2,183,895 for “Let It Ride,” Reg. No. 2,605,107 for “Let It Ride,” Reg. No. 2,182,290 for the “Let It Ride 10 J Q K A 1 2 \$” Design, Reg. No. 2,558,783 for the “Let It Ride Bonus 12\$ A K Q J 10” Design, Reg. No. 3,630,813 for the “10 J Q K A 1 2 \$ Let It Ride Bonus” Design and Reg. No. 2,100,875 for the

1 “10 J Q K A 12 \$ Let It Ride The Tournament” Design are collectively the “LET IT
2 RIDE” trademarks.

3 25. SMI is the owner of a federal trademark registration, Reg. No. 3,011,356
4 issued by the USPTO on November 1, 2005, for the “Three Card Poker” Design
5 depicted below for use on or in connection with “multiple player, stand alone
6 interactive electronic game machine with video output.” Affidavits have been filed
7 pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and
8 this registration is incontestable. Attached hereto as Exhibit 9 is a true and correct
9 copy of the Certificate of Registration for this mark.

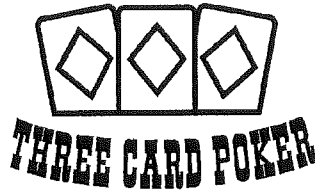


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15 26. SMI is the owner of a federal trademark registration, Reg. No. 2,650,060
16 issued by the USPTO on November 12, 2002, for the “Three Card Poker” Design
17 depicted below for use on or in connection with “software for the play of card
18 games.” Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act,
19 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as
20 Exhibit 10 is a true and correct copy of the Certificate of Registration for this mark.

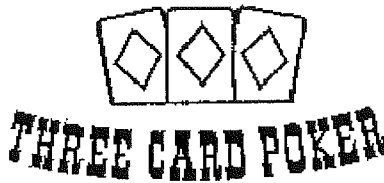


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25 27. SMI is the owner of a federal trademark registration, Reg. No. 4,109,825
26 issued by the USPTO on March 6, 2012, for the “Three Card Poker” Design depicted
27 below for use on or in connection with “software for providing a game of chance on a
28 gaming platform that enables electronic credit wagering.” Attached hereto as Exhibit

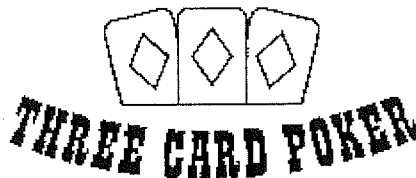
11 is a true and correct copy of the Certificate of Registration for this mark.



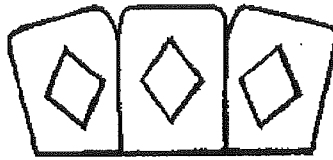
28. SMI is the owner of a federal trademark registration, Reg. No. 2,397,403 issued by the USPTO on October 24, 2000, for the “Three Card Poker” Design depicted below for use on or in connection with “entertainment services; namely providing live casino games in gaming establishments.” Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 12 is a true and correct copy of the Certificate of Registration for this mark.



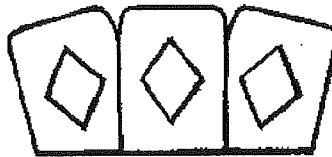
29. SMI is the owner of a federal trademark registration, Reg. No. 2,233,569 issued by the USPTO on March 23, 1999, for the “Three Card Poker” Design depicted below for use on or in connection with “playing cards, layout cloth, and instructions sold as a unit for playing casino card games.” Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 13 is a true and correct copy of the Certificate of Registration for this mark.



30. SMI is the owner of a federal trademark registration, Reg. No. 2,395,326 issued by the USPTO on October 17, 2000, for the Fan Design depicted below for use on or in connection with "entertainment services; namely providing live casino games in gaming establishments." Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 14 is a true and correct copy of the Certificate of Registration for this mark.



31. SMI is the owner of a federal trademark registration, Reg. No. 2,036,848 issued by the USPTO on February 11, 1997, for the Fan Design depicted below for use on or in connection with "casino card games." Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. Attached hereto as Exhibit 15 is a true and correct copy of the Certificate of Registration for this mark.



32. Reg. No. 3,011,356 for the "Three Card Poker" Design, Reg. No. 2,650,060 for the "Three Card Poker" Design, Reg. No. 4,109,825 for the "Three Card Poker" Design, Reg. No. 2,397,403 for the "Three Card Poker" Design, Reg. No. 2,233,569 for the "Three Card Poker" Design, Reg. No. 2,395,326 for the Fan Design and Reg. No. 2,036,848 for the Fan Design are collectively the "THREE CARD POKER" trademarks.

33. SMI is the owner of the common law trademark for "Pair Plus" (hereinafter, "PAIR PLUS"), which it has used continuously on or in connection with

1 its proprietary games, including as a proprietary side bet in SMI's Three Card Poker
2 game since at least 1995.

3 34. SMI has extensively advertised, marketed and promoted the SMI Games
4 using the LET IT RIDE, THREE CARD POKER and PAIR PLUS trademarks which
5 has cemented the public's identification of LET IT RIDE, THREE CARD POKER
6 and PAIR PLUS as designating SMI's products in California and throughout the
7 nation.

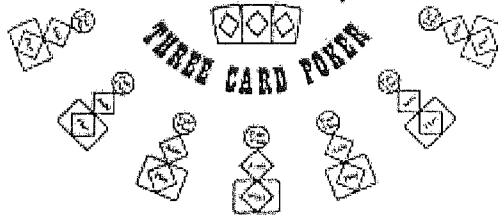
8 35. In particular, consumers have come to recognize one or more distinctive
9 features as designating SMI products including but not limited to the LET IT RIDE,
10 THREE CARD POKER and PAIR PLUS trade names and trademarks and various
11 other SMI trademarks, logos and proprietary designs; SMI's proprietary card shuffler;
12 the trade name of the game and/or logo prominently displayed in the center of the
13 board; three circles enclosing the markings "\$," "2" and "1", respectively, displayed
14 on the board; the Pair Plus side bet portrayed as a hollow circle-shaped playing space
15 with "Pair Plus" lettering inside; game odds printed on the board in yellow and white
16 lettering; an overall color scheme of green, yellow, white and red; and other non-
17 functional elements incorporated into SMI's proprietary games.

18 SMI's Copyrights

19 36. SMI is the owner of copyrights in its proprietary Let It Ride Logo
20 depicted below, which was published as early as June 7, 1993. On December 30,
21 2010, SMI registered the Let It Ride Logo with the United States Copyright Office,
22 Reg. No. VA1754553. Attached hereto as Exhibit 16 is a true and correct copy of
23 the Certificate of Registration for this work.



37. SMI is also the owner of copyrights in its proprietary Three Card Poker featuring Pair Plus Game Design and Layout, which was published as early as January 1, 1996. On July 28, 2009, SMI registered the Three Card Poker featuring Pair Plus Game Design and Layout with the United States Copyright Office, Reg. No. VA1680816. Attached hereto as Exhibit 17 is a true and correct copy of the Certificate of Registration for this work.



Harwin's Wrongful and Infringing Conduct

38. SMI is informed and believes that Harwin manufactures, markets, distributes, displays and sells electronic games and gaming applications ("apps") for Google and other mobile devices that use the Android operating system and Amazon kindle devices, including the games "Let It Ride!" and "Three Card Poker" which includes a side bet entitled "Pair+" (the "Infringing Apps").

39. SMI is informed and believes that Harwin distributes the Infringing Apps at least through the Android App Store and Amazon.com. On information and belief, Harwin developed, marketed and/or sold the Infringing Apps for various devices.

40. SMI is informed and believes that Harwin executed a Developer Distribution agreement with Google Inc., subjecting itself to the laws of the State of California and to personal jurisdiction and venue in California.

41. In addition, SMI is informed and believes that Harwin owns and operates the website at www.HarwinApps.com, where Harwin distributes the Infringing Apps.

42. Harwin is not licensed or authorized in any way to use the LET IT RIDE, THREE CARD POKER or PAIR PLUS marks, or any confusingly similar imitations thereof, in connection with the manufacture, marketing, distribution, display and/or

1 sale of electronic games.

2 43. The Infringing Apps sold by Harwin are confusingly similar to and
3 compete with the games sold by SMI and the parties' products are sold through
4 overlapping channels of trade.

5 44. Harwin's use, offer for sale and sale of confusingly similar imitations of
6 SMI's Let It Ride and Three Card Poker featuring Pair Plus games, using the same or
7 similar marks has deceived, confused and misled consumers and is likely to continue
8 to deceive, confuse and mislead purchasers and prospective purchasers into believing
9 that the Infringing Apps sold by Harwin are manufactured by, authorized by, or in
10 some manner associated with SMI, which they are not. Attached hereto as Exhibit
11 18 is a true and correct copy of a printout from [http://download.cnet.com/Let-It-](http://download.cnet.com/Let-It-Ryde/3000-2647_4-75623718.html)
12 [Ryde/3000-2647_4-75623718.html](http://download.cnet.com/Let-It-Ryde/3000-2647_4-75623718.html) showing actual confusion.

13 45. The actual confusion, mistake and deception, and likelihood of continued
14 confusion, mistake and deception engendered by Harwin's misappropriation of SMI's
15 trademarks is causing irreparable harm to the goodwill symbolized by these marks
16 and the reputation for quality that they embody, in California and in this District. On
17 information and belief, Harwin continues to use, offer for sale and sell confusingly
18 similar imitations of SMI's Let It Ride and Three Card Poker featuring Pair Plus
19 games that compete with the games manufactured and sold by SMI.

20 46. On information and belief, Harwin willfully, intentionally and
21 maliciously adopted and used confusingly similar imitations of SMI's LET IT RIDE,
22 THREE CARD POKER and PAIR PLUS trademarks in connection with its
23 Infringing Apps.

24 47. Further, Harwin mixes and matches key distinctive elements from
25 various SMI products, which consumers recognize as designating SMI products, to
26 intentionally mislead consumers including the LET IT RIDE, THREE CARD
27 POKER and PAIR PLUS trade names and trademarks, or confusingly similar
28 imitations thereof, and various other SMI trademarks, logos and proprietary designs;

1 SMI's proprietary card shuffler; the trade name of the game and/or logo prominently
2 displayed in the center of the board; three circles enclosing the markings "\$," "2" and
3 "1", respectively, displayed on the board; the PAIR PLUS side bet; game odds
4 displayed in the game; an overall color scheme of green, yellow, white and red; and
5 other non-functional elements incorporated into SMI's proprietary games.

6 48. Without authorization or permission from SMI, Harwin copied,
7 distributed advertised and/or sold and continues to copy, distribute, advertise and/or
8 sell unauthorized Let It Ride and Three Card Poker games and apps, which are
9 substantially similar to and copy protected elements of SMI's Games, including
10 SMI's proprietary Let It Ride Logo and Three Card Poker featuring Pair Plus Game
11 Design and Layout.

12 49. SMI is informed and believed Harwin copied protected elements of
13 SMI's Games, including SMI's proprietary Let It Ride Logo and Three Card Poker
14 featuring Pair Plus Game Design and Layout willfully and intentionally and with
15 disregard for SMI's rights therein.

16 50. In addition, Harwin advertises the Infringing Apps for sale in California
17 and nationwide.

18 51. SMI is informed and believes that Harwin is aware of SMI's business
19 activities in California and this District in Indian Gaming Casinos.

20 52. SMI is informed and believes that Harwin's sales of the Infringing Apps
21 in California and this District are substantial.

22 **FIRST CLAIM FOR RELIEF**

23 **(Trademark Infringement in Violation of 15 U.S.C. §1114 et seq.)**

24 53. SMI realleges and incorporates by reference each and every allegation
25 contained in the above paragraphs as if fully set forth herein.

26 54. Harwin is manufacturing, marketing, distributing, displaying and selling
27 games and apps in interstate commerce bearing the same and/or confusingly similar
28 imitations of SMI's LET IT RIDE and THREE CARD POKER marks.

55. Harwin's manufacturing, marketing, distribution, display and sale in commerce of confusingly similar games and apps bearing the same and/or confusingly similar imitations of SMI's LET IT RIDE and THREE CARD POKER marks, as described in this Complaint, is likely to cause confusion, deception and mistake by creating the false and misleading impression that Harwin's products are manufactured, produced, distributed, endorsed, sponsored, approved or licensed by SMI, or are associated or connected with SMI.

56. Harwin has used marks confusingly similar to SMI's federally registered LET IT RIDE and THREE CARD POKER marks in violation of 15 U.S.C. § 1114. Harwin's activities have caused and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public, and additional injury to SMI's goodwill and reputation as symbolized by the registered LET IT RIDE and THREE CARD POKER marks, for which SMI has no adequate remedy at law.

57. Harwin's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with SMI's federally registered LET IT RIDE and THREE CARD POKER marks to SMI's great and irreparable injury.

58. Harwin has caused and is likely to continue causing substantial injury to the public and to SMI, and SMI is entitled to injunctive relief and to recover Harwin's profits, actual damages, enhanced profits and damages, costs and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116, and 1117.

SECOND CLAIM FOR RELIEF

(Federal Unfair Competition and False Designation of Origin in

Violation of 15 U.S.C. §1125)

59. SMI realleges and incorporates by reference each and every allegation contained in the above paragraphs as if fully set forth herein.

60. Harwin's use, offer for sale, and sale of confusingly similar imitations of SMI's LET IT RIDE, THREE CARD POKER and PAIR PLUS common law marks,

1 as described in this Complaint, has caused and is likely to cause confusion, deception,
2 and mistake by creating the false and misleading impression that the Infringing Apps
3 are manufactured or distributed by SMI, are affiliated, connected, or associated with
4 SMI, or have the sponsorship, endorsement or approval of SMI.

5 61. Harwin has made false representations, false descriptions and false
6 designations of SMI's goods in violation of 15 U.S.C. § 1125(a). Harwin's activities
7 have caused and, unless enjoined by this Court, will continue to cause a likelihood of
8 confusion and deception of members of the trade and public, as well as injury to
9 SMI's goodwill and reputation as symbolized by the LET IT RIDE, THREE CARD
10 POKER and PAIR PLUS common law trademarks, for which SMI has no adequate
11 remedy at law.

12 62. Harwin's actions demonstrate an intentional, willful and malicious intent
13 to trade on the goodwill associated with SMI's LET IT RIDE, THREE CARD
14 POKER and PAIR PLUS common law trademarks, to the great and irreparable injury
15 of SMI.

16 63. Harwin's conduct has caused, and is likely to continue causing,
17 substantial injury to the public and to SMI. SMI is entitled to injunctive relief and to
18 recover Harwin's profits, actual damages, enhanced profits and damages, costs and
19 reasonable attorneys' fees under 15 U.S.C. §§ 1125(a), 1116, and 1117.

20 **THIRD CLAIM FOR RELIEF**

21 **(Copyright Infringement in Violation of 17 U.S.C. §501)**

22 64. SMI realleges and incorporates by reference each and every allegation
23 contained in the above paragraphs as if fully set forth herein.

24 65. SMI is, and at all relevant times has been, the copyright owner, by way
25 of assignment, of the Let It Ride Logo and the Three Card Poker featuring Pair Plus
26 Game Design and Layout. SMI owns rights under the Copyright Act to the Let It
27 Ride Logo and the Three Card Poker featuring Pair Plus Game Design and Layout,
28 including the rights to reproduce, distribute and display them. The Let It Ride Logo

1 and the Three Card Poker featuring Pair Plus Game Design and Layout are wholly
2 original with SMI and, as fixed in tangible media, are copyrightable subject matter
3 under the Copyright Act.

4 66. SMI asserts that Harwin has copied, distributed, advertised and/or sold
5 and continues to copy, distribute, advertise and/or sell an unauthorized Let It Ride!
6 game and app which is substantially similar to and copies protected elements of
7 SMI's Let It Ride game, including the Let It Ride Logo and an unauthorized Three
8 Card Poker game and app, which is substantially similar to and copies protected
9 elements of SMI's Three Card Poker game, including the Three Card Poker featuring
10 Pair Plus Game Design and Layout.

11 67. By engaging in this conduct, Harwin has acted in willful disregard of
12 laws protecting SMI's copyrights. SMI has sustained and will continue to sustain
13 substantial damage to the value of its creative works, specifically including the Let It
14 Ride Logo and the Three Card Poker featuring Pair Plus Game Design and Layout.

15 68. SMI has suffered and continues to suffer direct and actual damages as a
16 result of Harwin's infringing conduct. SMI is entitled to recover statutory damages or
17 its actual damages as well as Harwin's profits generated from the promotion,
18 distribution, sale and offer for sale of Harwin's infringing products, pursuant to 17
19 U.S.C. §504, as well as enhanced damages for willful infringement.

20 69. SMI has no adequate remedy at law and has suffered and continues to
21 suffer irreparable harm and damage, including but not limited to lost sales and
22 business opportunities and damage to SMI's reputation and brand as a result of the
23 above-described acts. SMI is informed and believes, and upon that basis alleges that,
24 unless enjoined by the Court, Harwin's infringing activity will continue, with
25 attendant and irreparable harm to SMI. Accordingly, SMI seeks preliminary and
26 permanent injunctive relief pursuant to 17 U.S.C. § 502.

27 70. By reason of the foregoing, SMI has incurred and will continue to incur
28 attorneys' fees and other costs in connection with the prosecution of its claims against

1 Harwin, which SMI is entitled to recover from Harwin pursuant to 17 U.S.C. § 505.

2 **FOURTH CLAIM FOR RELIEF**

3 **(California Statutory Unfair Competition in Violation of Cal. Bus. & Prof.**

4 **Code §17200)**

5 71. SMI realleges and incorporates by reference each and every allegation
6 contained in the above paragraphs as if fully set forth herein.

7 72. Harwin's acts and practices, as alleged above, constitute unfair
8 competition in violation of Cal. Bus. & Prof. Code § 17200. Harwin has engaged in
9 unlawful, unfair or fraudulent business practices within the meaning of Cal. Bus. &
10 Prof. Code §17200.

11 73. Harwin intentionally incorporated distinctive and protected elements
12 from the SMI products into its Infringing Apps, as alleged above, to purposefully
13 trade off the goodwill and reputation of SMI and to confuse and deceive consumers
14 by creating the false and misleading impression that Harwin's products are
15 manufactured, produced, distributed, endorsed, sponsored, approved or licensed by
16 SMI, or are associated or connected with SMI.

17 74. At least one or more of Harwin's business actions described herein
18 constitutes an unlawful, unfair or fraudulent business act or practice.

19 75. Plaintiff is informed and believes that Harwin performed the acts alleged
20 herein for the purpose of injuring SMI. The acts alleged herein continue to this day
21 and present a threat to SMI, the general public, the trade and consumers.

22 76. As a result of Harwin's wrongful acts, SMI has suffered and will
23 continue to suffer loss of income, profits and valuable business opportunities and, if
24 not preliminarily and permanently enjoined, Harwin will have unfairly derived and
25 will continue to unfairly derive income, profits and business opportunities as a result
26 of its wrongful acts.

27 77. Pursuant to Cal. Bus. & Prof. Code § 17200, SMI seeks an order of this
28 Court preliminarily and permanently enjoining Harwin from continuing to engage in

1 the unlawful, unfair or fraudulent acts or practices set forth herein, as well as
2 restitution or disgorgement of any monies received by Harwin through such acts or
3 practices.

4 **FIFTH CLAIM FOR RELIEF**

5 **(California Common Law Unfair Competition)**

6 78. SMI realleges and incorporates by reference each and every allegation
7 contained in the above paragraphs as if fully set forth herein.

8 79. Harwin intended to use SMI's LET IT RIDE, THREE CARD POKER
9 and PAIR PLUS marks, or confusingly similar imitations thereof, in a manner which
10 is likely to confuse and mislead members of the relevant public as to the origin,
11 sponsorship, approval or license of Harwin's products and as to the false association
12 of said products with SMI. Harwin's conduct as alleged herein was intended to
13 confuse and mislead members of the public, and members of the public will believe
14 that SMI sponsored, approved or is affiliated with Harwin and that SMI originated,
15 approved or licensed Harwin's products.

16 80. Harwin's conduct alleged herein infringes SMI's LET IT RIDE, THREE
17 CARD POKER and PAIR PLUS trademark rights and constitutes passing off and
18 common law unfair competition with SMI, all of which has damaged and will
19 continue to irreparably damage SMI's goodwill and reputation unless restrained by
20 this Court, because SMI has no adequate remedy at law.

21 81. SMI has suffered and continues to suffer direct and actual damages as a
22 result of Harwin's infringing conduct, including but not limited to lost sales and
23 business opportunities and damage to SMI's reputation and its LET IT RIDE, THREE
24 CARD POKER and PAIR PLUS marks. SMI is entitled to recover its actual damages
25 as well as Harwin's profits generated from the promotion, distribution, sale and offer
26 for sale of Harwin's infringing products.

27 82. Because Harwin's conduct alleged herein has been intentional,
28 oppressive, malicious, fraudulent and in willful disregard of SMI's rights, SMI is also

1 entitled to recover punitive and exemplary damages.

2 83. SMI has suffered, and if Harwin is not enjoined from its wrongful acts of
3 common law trademark infringement, passing off and unfair competition, will
4 continue to suffer great and irreparable injury, loss, and damage to its rights in and to
5 its LET IT RIDE, THREE CARD POKER and PAIR PLUS marks and the goodwill
6 associated therewith for which it has no adequate remedy at law.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Shuffle Master, Inc. prays that:

9 1. Harwin and all of its respective agents, officers, employees,
10 representatives, successors, assigns, attorneys, and all other persons acting for, with,
11 by, through or under authority from Harwin, or in concert or participation with
12 Harwin, and each of them, be enjoined preliminarily and permanently, from directly
13 or indirectly infringing SMI's copyrights or trademarks in any manner including but
14 not limited to:

- 15 a. Using, displaying, advertising, promoting, registering, transferring, or
16 assigning, including on or in connection with any products, services,
17 promotional items, domain names or web sites, the Let It Ride game,
18 the Three Card Poker featuring Pair Plus game, the LET IT RIDE,
19 THREE CARD POKER and PAIR PLUS marks, the Let It Ride
20 Logo, the Three Card Poker featuring Pair Plus Game Design and
21 Layout or any confusingly similar variation thereof;
- 22 b. Using, offering for sale, or selling, any trademark, logo, design,
23 layout or source designation of any kind on or in connection with
24 Harwin's goods that is likely to cause confusion, mistake, deception,
25 or public misunderstanding that such goods are produced or provided
26 by SMI, are sponsored or authorized by SMI, or are in any way
27 connected or related to SMI;
- 28 c. Using, offering for sale, or selling, any trademark, logo, design,

1 layout or source designation of any kind on or in connection with
2 Harwin's goods that dilutes or is likely to dilute the distinctiveness of
3 the trademarks or logos of SMI; and

- 4 d. Passing off, palming off, or assisting in passing off or palming off
5 Harwin's goods as those of SMI, or otherwise continuing any and all
6 acts of unfair competition as alleged in this Complaint;
- 7 e. Reproducing, distributing, displaying, selling or offering for sale
8 products that copy protected elements of SMI's products, the Let It
9 Ride Logo and the Three Card Poker featuring Pair Plus Game
10 Design and Layout or substantially similar variations thereof;
- 11 f. Engaging in acts of Federal or California statutory or common law
12 trademark infringement, copyright infringement, passing off or unfair
13 competition that would damage or injure SMI and or SMI's
14 trademarks, logos and proprietary designs.

15 2. Harwin be ordered to cease offering for sale, marketing, promoting, and
16 selling, to remove from stores and websites all products bearing SMI's LET IT RIDE,
17 THREE CARD POKER and PAIR PLUS marks, the Let It Ride Logo, the Three Card
18 Poker featuring Pair Plus Game Design and Layout or any confusingly similar
19 variation, which are in Harwin's possession or have been supplied by Harwin or
20 under its authority, to any store or customer, including, but not limited to, any
21 wholesaler, distributor, distribution center, retail store, consignor, or marketer, and
22 also to deliver to each such store or customer a copy of this Court's order as it relates
23 to said injunctive relief against Harwin;

24 3. Harwin be ordered to deliver up for impoundment and for destruction, all
25 games, apps, bags, boxes, labels, tags, signs, packages, receptacles, advertising,
26 sample books, promotional material, stationary, or other materials in the possession,
27 custody, or under the control of Harwin bearing SMI's trademarks, copyrights or any
28 colorable imitation thereof;

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

1 4. Harwin be compelled to account to SMI for any and all profits derived
2 by Harwin from the sale or distribution of infringing goods as described in this
3 Complaint;

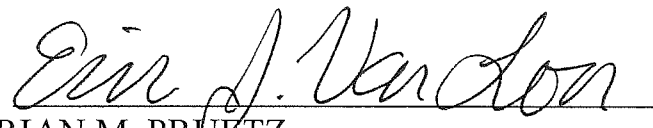
4 5. That the Court find Harwin's acts of trademark infringement and unfair
5 competition to be knowing and willful, an exceptional case within the meaning of 15
6 U.S.C. § 1117 and 15 U.S.C. §504;

7 6. That, as to all claims, SMI be awarded damages, including its actual
8 damages (or statutory damages for certain acts of copyright infringement, if SMI so
9 elects), Harwin's profits, treble and punitive damages, as well as its attorneys' fees
10 and costs, in an amount to be ascertained pursuant to applicable laws, including,
11 without limitation, 15 U.S.C. §1117, 15 U.S.C. §504 and California law; and

12 7. SMI have such other and further relief as the Court may deem just.
13

14 DATED: August 28, 2012

GLASER WEIL FINK JACOBS
HOWARD AVCHEN & SHAPIRO LLP

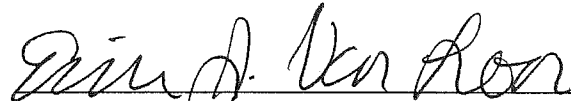
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16
17 By: 
18 ADRIAN M. PRUETZ
19 ERICA J. VAN LOON
20 JESSICA A. WOOD
Attorneys for Plaintiff
Shuffle Master, Inc.
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27
28

JURY TRIAL DEMAND

In accordance with Rule 38 of the Federal Rules of Civil Procedure and L.R. 38-1, SMI respectfully demands a trial by jury on all issues and claims so triable.

DATED: August 28, 2012

GLASER WEIL FINK JACOBS
HOWARD AVCHEN & SHAPIRO LLP

By: 
ADRIAN M. PRUETT
ERICA J. VAN LOON
JESSICA A. WOOD
Attorneys for Plaintiff
Shuffle Master, Inc.

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

EXHIBIT 1

Int. Cl.: 41

Prior U.S. Cl.: 107

Reg. No. 1,840,102

United States Patent and Trademark Office Registered June 14, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

LET IT RIDE

SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10921 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

FOR: ENTERTAINMENT SERVICES;
NAMELY, PROVIDING FACILITIES AND RESOURCES, INCLUDING INSTRUCTIONS, FOR

PLAYING CARD GAMES, IN CLASS 41 (U.S. CL. 107).
FIRST USE 6-7-1993; IN COMMERCE 6-7-1993.

SN 74-343,652, FILED 12-28-1992.

ELIZABETH A. DUNN, EXAMINING ATTORNEY

EXHIBIT 2

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,178,254

United States Patent and Trademark Office

Registered Aug. 4, 1998

**TRADEMARK
PRINCIPAL REGISTER**

LET IT RIDE

SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10901 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

FOR: COMPUTER SOFTWARE FOR PLAYING GAMES; AND VIDEO GAME DISCS RECORDED ON CD ROM, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-21-1995; IN COMMERCE 11-21-1995.

OWNER OF U.S. REG. NOS. 1,840,102 AND 2,100,875.

SER. NO. 75-298,429, FILED 5-23-1997.

ELISSA GARBER KON, EXAMINING ATTORNEY

EXHIBIT 3

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,183,895

United States Patent and Trademark Office

Registered Aug. 25, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

LET IT RIDE

SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10901 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

FOR: ENTERTAINMENT SERVICES,
NAMESLY, CONDUCTING GAMES OF
CHANCE ON CASINO PREMISES, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 6-7-1993; IN COMMERCE
6-7-1993.

OWNER OF U.S. REG. NOS. 1,840,102 AND
2,100,875.

SER. NO. 75-318,481, FILED 6-27-1997.

ELISSA GARBER KON, EXAMINING ATTOR-
NEY

EXHIBIT 4

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,605,107

Registered Aug. 6, 2002

**TRADEMARK
PRINCIPAL REGISTER**

LET IT RIDE

SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
1106 PALMS AIRPORT DRIVE
LAS VEGAS, NV 89119

OWNER OF U.S. REG. NOS. 1,840,102, 2,206,795,
AND OTHERS.

FOR: LOTTERY TICKETS AND GAME TICKETS
FOR PLAYING INSTANT GAMES OF CHANCE, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SN 75-529,194, FILED 7-31-1998.

FIRST USE 2-1-2002; IN COMMERCE 2-1-2002.

ELISSA GARBER KON, EXAMINING ATTORNEY

EXHIBIT 5

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,182,290

United States Patent and Trademark Office

Registered Aug. 18, 1998

**SERVICE MARK
PRINCIPAL REGISTER**



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10901 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

FOR: ENTERTAINMENT SERVICES,
NAMELY, CONDUCTING GAMES OF
CHANCE ON CASINO PREMISES, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 6-7-1993; IN COMMERCE
6-7-1993.

OWNER OF U.S. REG. NOS. 1,840,102 AND
2,100,875.

SER. NO. 75-318,479, FILED 6-27-1997.

ELISSA GARBER KON, EXAMINING ATTOR-
NEY

EXHIBIT 6

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,558,783

United States Patent and Trademark Office

Registered Apr. 9, 2002

SERVICE MARK
PRINCIPAL REGISTER



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10901 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

FOR: ENTERTAINMENT SERVICES, NAMELY,
CONDUCTING GAMES OF CHANCE ON CASINO
PREMISES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-21-1997; IN COMMERCE 5-21-1997.

OWNER OF U.S. REG. NOS. 1,840,102, 2,380,320
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BONUS", APART FROM THE
MARK AS SHOWN.

SER. NO. 76-289,205, FILED 7-23-2001.

EDWARD TIMBERLAKE, EXAMINING ATTOR-
NEY

EXHIBIT 7

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,630,813

United States Patent and Trademark Office

Registered June 2, 2009

TRADEMARK
PRINCIPAL REGISTER



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
1106 PALMS AIRPORT DRIVE
LAS VEGAS, NV 89119

FOR: GAMBLING MACHINES, NAMELY, STAND ALONE, MULTIPLE PLAYER, INTERACTIVE GAMING MACHINES WITH VIDEO OUTPUT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-28-2005; IN COMMERCE 6-28-2005.

OWNER OF U.S. REG. NOS. 2,100,875, 2,558,783 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BONUS", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDING "LET IT RIDE" SET INSIDE AN OVAL, PLACED ABOVE A SMALLER OVAL CONTAINING THE WORDING "BONUS" AND BELOW THREE SMALL CIRCLES FEATURING THE NUMBERS "1" AND "2" AND THE DOLLAR SYMBOL, ALL SUPERIMPOSED OVER A STYLIZED DEPICTION OF FIVE PLAYING CARDS, SPECIFICALLY THE ACE, KING, QUEEN, JACK AND TEN OF CLUBS.

SER. NO. 77-599,844, FILED 10-24-2008.

MICHAEL GAAFAR, EXAMINING ATTORNEY

EXHIBIT 8

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,100,875

United States Patent and Trademark Office

Registered Sep. 30, 1997

SERVICE MARK
PRINCIPAL REGISTER



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10921 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

FOR: ENTERTAINMENT SERVICES,
NAMELY, PROMOTING, ARRANGING AND
PROVIDING FACILITIES FOR CARD GAME
PLAY-OFF EVENTS, IN CLASS 41 (U.S. CLS.
100, 101 AND 107).

FIRST USE 5-31-1995; IN COMMERCE
5-31-1995.

OWNER OF U.S. REG. NO. 1,840,102.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TOURNAMENT" AND THE
SPECIFIC DENOMINATION OR PRESENCE OF
THE PLAYING CARDS, APART FROM THE
MARK AS SHOWN.

THE LINING AND STIPPLING ON THE
MARK IS FOR SHADING PURPOSES ONLY
AND DOES NOT INDICATE COLOR.

SER. NO. 75-066,898, FILED 3-4-1996.

SOPHIA F. KIM, EXAMINING ATTORNEY

EXHIBIT 9

Int. Cl.: 28

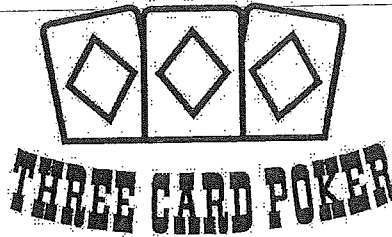
Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 3,011,356

United States Patent and Trademark Office

Registered Nov. 1, 2005

TRADEMARK
PRINCIPAL REGISTER



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
1106 PALMS AIRPORT DRIVE
LAS VEGAS, NV 891193730

FOR: MULTIPLE PLAYER, STAND ALONE INTERACTIVE ELECTRONIC GAME MACHINE WITH VIDEO OUTPUT, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-16-2003; IN COMMERCE 9-16-2003.

OWNER OF U.S. REG. NOS. 2,233,569, 2,917,863 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THREE CARD POKER", APART FROM THE MARK AS SHOWN.

SER. NO. 78-481,913, FILED 9-10-2004.

ALEX KEAM, EXAMINING ATTORNEY

EXHIBIT 10

Int. Cl.: 9

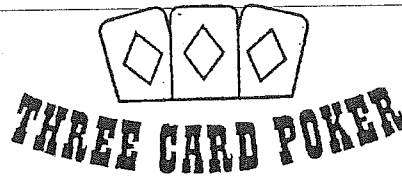
Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,650,060

United States Patent and Trademark Office

Registered Nov. 12, 2002

TRADEMARK
PRINCIPAL REGISTER



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10901 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

OWNER OF U.S. REG. NOS. 2,036,848 AND 2,233,569.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THREE CARD POKER", APART FROM THE MARK AS SHOWN.

FOR: SOFTWARE FOR THE PLAY OF CARD GAMES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 75-982,062, FILED 4-1-1999.

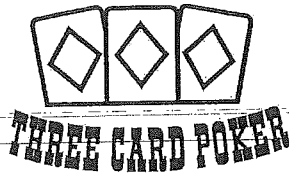
FIRST USE 9-27-2000; IN COMMERCE 9-27-2000.

ANNE MADDEN, EXAMINING ATTORNEY

EXHIBIT 11

United States of America

United States Patent and Trademark Office



Reg. No. 4,109,825

Registered Mar. 6, 2012

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
1106 PALMS AIRPORT DRIVE
LAS VEGAS, NV 89119

FOR: SOFTWARE FOR PROVIDING A GAME OF CHANCE ON A GAMING PLATFORM THAT ENABLES ELECTRONIC CREDIT WAGERING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-15-2010; IN COMMERCE 11-15-2010.

OWNER OF U.S. REG. NOS. 2,233,569, 2,397,403, AND 2,650,060.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THREE CARD POKER", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE OUTLINE OF THREE PLAYING CARDS WITH A DIAMOND DESIGN ON THE FACE OF EACH CARD WITH "THREE CARD POKER" UNDER THE PLAYING CARDS.

SN 85-177,369, FILED 11-15-2010.

JOHN DWYER, EXAMINING ATTORNEY



David J. Kyffas

Director of the United States Patent and Trademark Office

EXHIBIT 12

Int. Cl.: 41

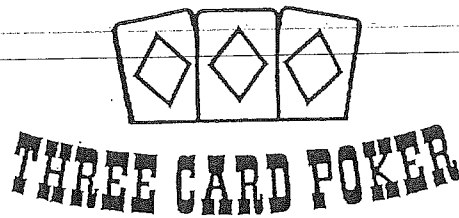
Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,397,403

United States Patent and Trademark Office

Registered Oct. 24, 2000

SERVICE MARK
PRINCIPAL REGISTER



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
1106 PALMS AIRPORT DRIVE
LAS VEGAS, NV 891193730

FOR: ENTERTAINMENT SERVICES; NAMELY
PROVIDING LIVE CASINO GAMES IN GAMING ESTABLISHMENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).
FIRST USE 9-0-1995; IN COMMERCE 9-0-1995.

OWNER OF U.S. REG. NOS. 2,036,848 AND 2,233,569.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THREE CARD POKER", APART FROM THE MARK AS SHOWN.

SER. NO. 75-726,664, FILED 6-11-1999.

ANNE MADDEN, EXAMINING ATTORNEY

EXHIBIT 13

Int. Cl.: 28

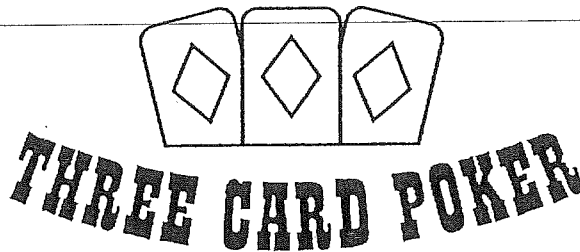
Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,233,569

United States Patent and Trademark Office

Registered Mar. 23, 1999

TRADEMARK
PRINCIPAL REGISTER



WEBB, DEREK J. (UNITED KINGDOM CITI-
ZEN)
21 ELGIN AVENUE
LITTLEOVER DERBY, GREAT BRITAIN DE23
75E

FOR: PLAYING CARDS, LAYOUT CLOTH,
AND INSTRUCTIONS SOLD AS A UNIT FOR
PLAYING CASINO CARD GAMES, IN CLASS
28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-20-1995; IN COMMERCE
3-20-1995.

OWNER OF U.S. REG. NO. 2,036,848.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "THREE CARD POKER",
APART FROM THE MARK AS SHOWN.

SER. NO. 75-344,769, FILED 8-21-1997.

KIMBERLY KREHELY, EXAMINING ATTOR-
NEY

EXHIBIT 14

Int. Cl.: 41

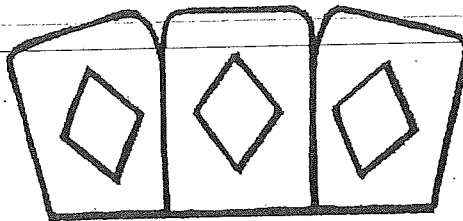
Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,395,326

United States Patent and Trademark Office

Registered Oct. 17, 2000

SERVICE MARK
PRINCIPAL REGISTER



SHUFFLE MASTER, INC. (MINNESOTA CORPORATION)
10901 VALLEY VIEW ROAD
EDEN PRAIRIE, MN 55344

FOR: ENTERTAINMENT SERVICES; NAMELY PROVIDING LIVE CASINO GAMES IN GAMING ESTABLISHMENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-0-1995; IN COMMERCE 9-0-1995.
OWNER OF U.S. REG. NOS. 2,036,848 AND 2,233,569.

SER. NO. 75-726,665, FILED 6-11-1999.

ANNE MADDEN, EXAMINING ATTORNEY

EXHIBIT 15

Int. Cl.: 16

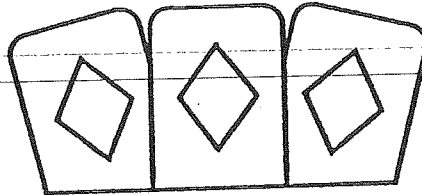
Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,036,848

United States Patent and Trademark Office

Registered Feb. 11, 1997

TRADEMARK
PRINCIPAL REGISTER



WEBB, DEREK J. (UNITED KINGDOM CITI-
ZEN)
21 ELGIN AVE.
LITTLEOVER DERBY, GREAT BRITAIN DE23
7SE

FIRST USE 3-20-1995; IN COMMERCE
3-20-1995.

THE MARK CONSISTS, IN PART, OF A
STYLIZED REPRESENTATION OF PLAYING
CARDS.

SER. NO. 75-035,315, FILED 12-21-1995.

FOR: CASINO CARD GAMES, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

STEVEN R. FINE, EXAMINING ATTORNEY

EXHIBIT 16

Additional Certificate (17 U.S.C. 700)

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-754-553

Effective date of
registration:

December 30, 2010

Title _____

Title of Work: LET IT RIDE logo artwork

Completion/ Publication _____

Year of Completion: 1993

Date of 1st Publication: June 7, 1993

Nation of 1st Publication: United States

Author _____

■ Author: Thomas Puckett Marketing, Advertising and Public Relations, Inc.

Author Created: 2-D artwork

Work made for hire: Yes

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Shuffle Master, Inc.

1106 Palms Airport Drive, Las Vegas, NV, 89119, United States

Transfer Statement: By written agreement

Rights and Permissions _____

Organization Name: Weide & Miller, Ltd.

Telephone: 702-382-4804

Address: 7251 W. Lake Mead Blvd.

Ste. 530

Las Vegas, NV 89128 United States

Certification _____

Name: Ryan Gile

Date: December 30, 2010

Applicant's Tracking Number: SHUFLE.0158C / CR0279.ap.US

Registration #: VA0001754553

Service Request #: 1-541047852

Weide & Miller, Ltd.
Ryan Gile
7251 W Lake Mead Blvd.
Ste. 530
Las Vegas, NV 89128 United States

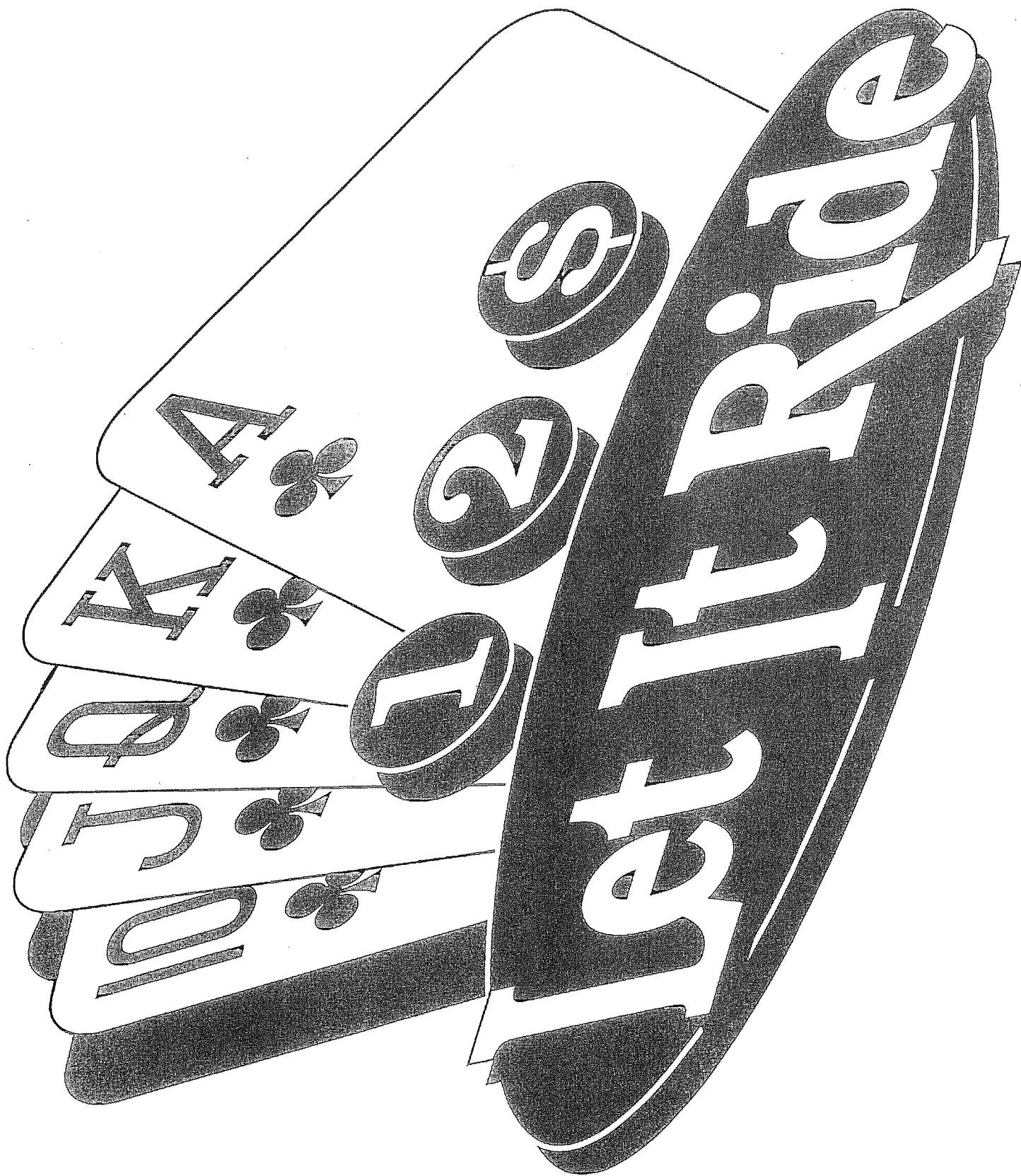
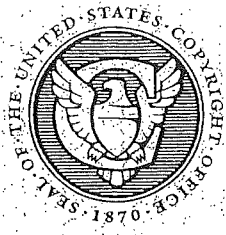


EXHIBIT 17

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:

VA 1-680-816

Effective date of
registration:

July 28, 2009

Title _____

Title of Work: Three Card Poker

Completion/ Publication _____

Year of Completion: 1995

Date of 1st Publication: January 1, 1996

Nation of 1st Publication: United States

Author _____

Author: Derek Webb

Author Created: 2-D artwork

Citizen of: United Kingdom

Year Born: 1950

Copyright claimant _____

Copyright Claimant: Shuffle Master, Inc.

1106 Palms Airport Drive, Las Vegas, NV, 89119

Transfer Statement: By written agreement

Rights and Permissions _____

Organization Name: Weide & Miller, Ltd.

Name: Ryan Gile

Email: rgile@weidemiller.com

Telephone: 702-382-4804

Address: 7251 W. Lake Mead Blvd.

Ste. 530

Las Vegas, NV 89128

Certification _____

Name: Ryan Gile

Date: July 28, 2009

Applicant's Tracking Number: SHUFLE.0113C

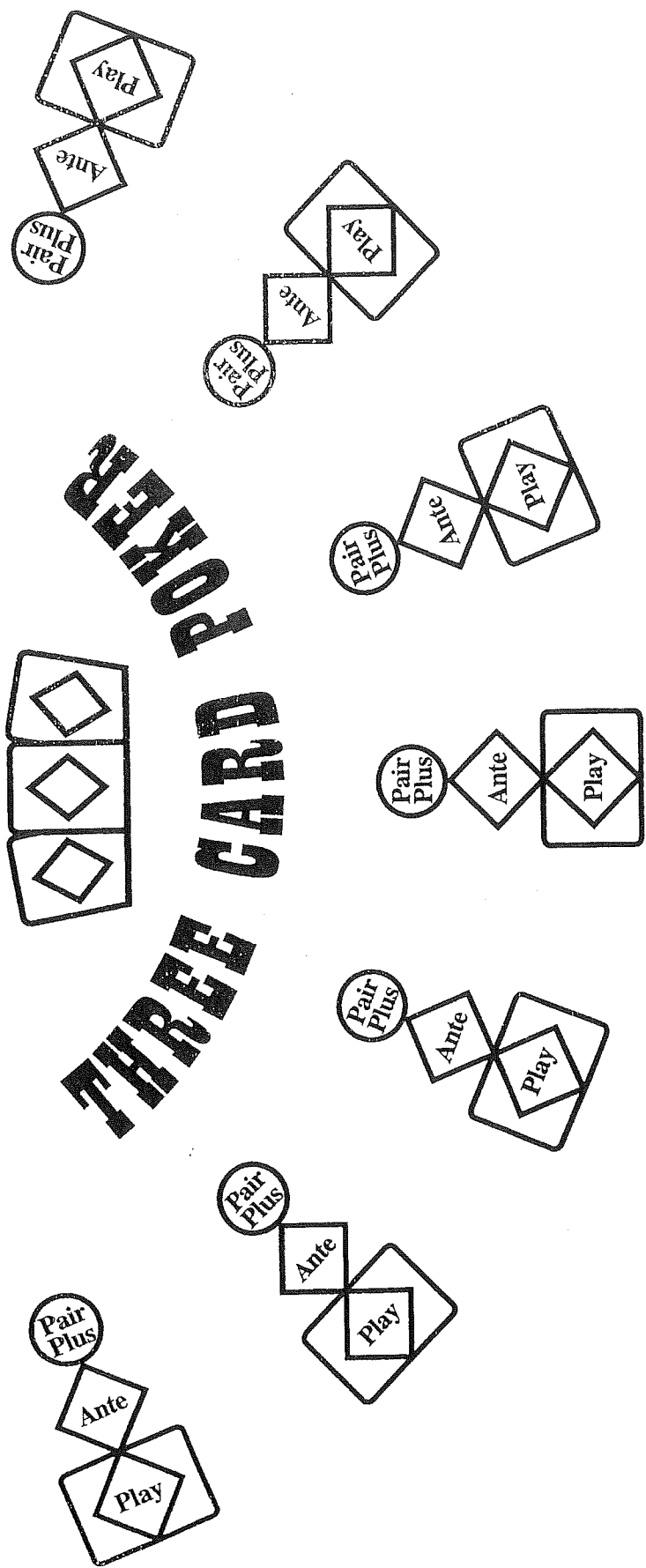
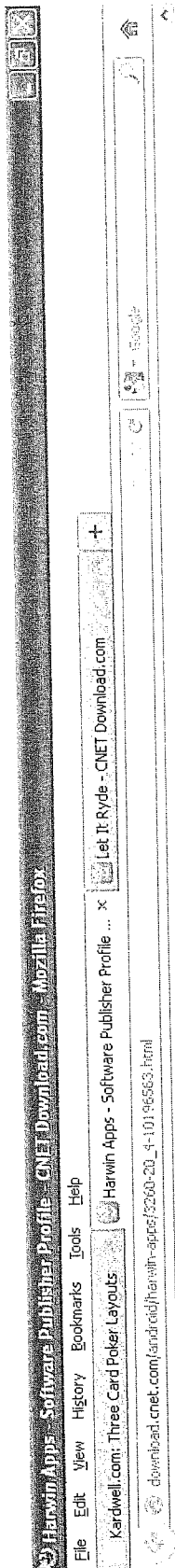


EXHIBIT 18



Harwin Apps

Software Publisher Profile

Harwin Apps has not created a publisher profile.

Narrow Results

By Price

☐ Purchase (2)

By Category

☐ Cards & Lottery (2)

By Operating System

☐ Android (2)

☐ Android 2.1 (1)

☐ Android 2.2 (1)

☐ Android 2.3.3 - Android 2.3.7 (1)

Web site
http://harwinapps.com

Support web site
Not provided

Support e-mail
Not provided

Support phone
Not provided

Products from Harwin Apps

Show results per page

Sort by: Downloads Last Week



Pai Gow Poker

Android Version 1.0.5 Added on 12/03/2011

*Play the best Pai Gow Poker on the Android Market! In this popular casino table game, try to beat the dealer with your best five card and two card...

Be the first user to review this product!

2

total downloads

2

last week

Buy now

Add to my list



Let It Ride

Android Version 2.9 Added on 07/28/2012

Let It Ride is a fun poker game. It is easy to learn and can be played hours on end. Master your strategy on this game and then hit the tables at...

Be the first user to review this product!

2

total downloads

2

last week

Buy now

Add to my list

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John Kronstadt and the assigned discovery Magistrate Judge is Paul Abrams.

The case number on all documents filed with the Court should read as follows:

CV12- 7397 JAK (PLA~~x~~)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

ADRIAN M. PRUETZ - State Bar No. 118215
 apruetz@glaserweil.com
 GLASER WEIL FINK JACOBS
 HOWARD AVCHEN & SHAPIRO LLP
 10250 Constellation Boulevard, 19th Floor
 Los Angeles, California 90067

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SHUFFLE MASTER, INC., a Minnesota corporation,

CASE NUMBER

PLAINTIFF(S)

CV12-07397-JAK(PLA)

v.

HARWIN APPS, INC., an Illinois corporation,

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Adrian M. Pruetz, whose address is 10250 Constellation Blvd., 19th Floor, Los Angeles, California 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: AUG 28 2012

By: ANDRES PEDRO
 Deputy Clerk

(Seal of the Court)
 1202

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
SHUFFLE MASTER, INC., a Minnesota corporation

DEFENDANTS
HARWIN APPS, INC., an Illinois corporation,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

ADRIAN M. PRUETZ, GLASER WEIL, et al.
10250 Constellation Boulevard, 19th Floor Los Angeles, California 90067
Telephone: (310) 553-3000

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☐ **MONEY DEMANDED IN COMPLAINT:** \$ Damages according to proof

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Trademark Infringement and Unfair Comp. (15 U.S.C. §§1114 & 1125, et seq.); Copyright Infringement (17 U.S.C. §101 et seq); Cal. Unfair Comp. (B&P §17200)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-07397-JAK(PLA)

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Clark County, Nevada (Shuffle Master, Inc.)

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Will County, Illinois (Harwin Apps, Inc.)

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Eric J. Anderson Date August 28, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))